

SELF SERVICE CENTER

INSTRUCTIONS FOR GETTING A DEFAULT DIVORCE WITHOUT A HEARING

Arizona Rules of Civil Procedure 55(b)1(ii)

REQUIREMENTS

Sometimes a court hearing is not required to get a divorce decree. This procedure may be used if you meet the following requirements:

1. Husband and wife **both must** be legally competent or sane.
2. There are **no** minor children, common to the parties, born before or during the marriage **or** adopted by the parties during the marriage.
3. Wife is **not** pregnant with husband's child.
4. Neither party has interest in real property or real estate.
5. The total assets acquired during the marriage are less than \$15,000 after the parties subtract all money owed on the assets.
6. The total debt acquired during the marriage is less than \$10,000.
7. Neither husband or wife is making a claim for spousal maintenance/support (alimony).

You **CANNOT** use this procedure if the responding party was served by publication. You also **CANNOT** this procedure if the other party is insane or incompetent, or if the other party has filed a response. For the complete list of requirements, read the *"Motion and Affidavit for a Default Without a Hearing"*.

PROCEDURE

1. **BEFORE YOU REQUEST A DEFAULT DIVORCE WITHOUT A HEARING, CHECK TO BE SURE THAT YOU HAVE:**
 - ✓ Properly served the other party, and filed an **"Affidavit of Service"** or the **"Notice and Request to Accept Service"** and the **"Acceptance of Service."** (Service cannot be done by publication), **AND**
 - ✓ Completed and filed the **"Application and Affidavit for Entry of Default,"** and mailed a copy to the other party; **AND**
 - ✓ Waited at least **64** days **after** the date service was complete to sign the **"Motion and Affidavit for Default Divorce Without a Hearing."**
2. **READ, COMPLETE, SIGN, AND DATE** the **"Motion and Affidavit for Default Divorce Without a Hearing."** (Note: You must wait **64** days from the date of service before signing the **"Motion and Affidavit for Default Divorce Without a Hearing."** The **"Motion and Affidavit for Default Divorce Without a Hearing"** should also be signed and dated on or after the date of filing the **"Application and Affidavit of Default."**)
3. **GO** to Family Court Administration at the court where you filed the Petition for Dissolution (Divorce). Business hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. The courts are located at:
 - ◆ 201 West Jefferson, CCB, 6th Floor, Phoenix, Arizona 85003, **OR**
 - ◆ 222 East Javelina Drive, 2nd Floor, Mesa, Arizona 85210, **OR**,
 - ◆ 14264 West Tierra Buena Lane, Surprise, Arizona 85374

4. **TAKE** the following documents with you to Family Court Administration:
- ✓ The **original** and **2 copies** of the signed ***“Motion and Affidavit for Default Divorce Without a Hearing;”***
 - ✓ The **original** and **2 copies** of the Divorce Decree **not yet signed** by the judge;
 - ✓ Two (2) 9" x 12" envelopes, with 2 current standard postage stamps on each, one addressed to you, and the other to the other party, with current addresses (including zip code);
5. **WHAT COURT ADMINISTRATION WILL DO:** The Family Court Administrator's office will do a preliminary review of the case to determine if:
1. Your case qualifies to proceed by Default Divorce Without a Court Hearing
 2. All the necessary documents have been filed
 3. All the timeframes have been met
 4. Documents have been properly filled out, signed and notarized
 5. Service was completed properly and all documents have been served

If your paperwork meets the above criteria, it will then be forwarded to the Judicial Officer assigned to your case to make the final determination. If there are any problems with your paperwork you will receive a ***“Rejection Notice”*** from either the Family Court Administrator's office or the Judicial Officer with instructions about what you need to do to proceed.

NOTE: If it is determined that your case does not qualify for Default Divorce Without a Court Hearing you may receive a ***“Rejection Notice”*** instructing you to fill out ***the “Request for Default Hearing”*** form. When returning the ***“Request for Default Hearing”*** form to Court Administration, please do not include your Decree of Dissolution. You will need to bring the Decree of Dissolution to your scheduled Default Hearing.

The review process can take as long as 6-8 weeks. You can call (602) 506-1561 between the hours of 8:00 a.m. and 5:00 p.m. to check on the status of your case. Do not call until at least six (6) weeks after you dropped off your default papers.

6. **IF YOUR MOTION FOR A DEFAULT DIVORCE WITHOUT A HEARING IS ACCEPTED:**
The Judicial Officer will sign the original Decree and have it filed with the Clerk of the Court. The court will send a copy of the Decree to each party using the envelopes you provided. This is your notification that your Divorce is final.

Things You Can Do to Speed Up the Process

1. Make sure to fill out the ***“Decree of Dissolution”*** completely by marking all applicable boxes.
2. Make sure the items asked for in the ***“Decree of Dissolution”*** are the same as the items asked for in the ***“Petition for Dissolution.”***
3. Make sure the ***“Decree of Dissolution”*** is signed and verified by the Petitioner only.
4. Provide conformed copies of the ***“Proof of Service”*** and ***“Application and Affidavit of Default”*** along with your paperwork.
5. Remember your self-addressed stamped envelopes.